

APR 19 2006

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Leighton, et al

5 Serial Number 09/867,141

Filing Date: May 30, 2001

Art Unit: 2143

10 Examiner: Jeffrey C. Pwu

For: **METHOD FOR PREDICTING  
DOWNLOAD TIME FROM  
MIRRORED DATA CENTERS IN A  
GLOBAL COMPUTER NETWORK**Commissioner for Patents  
P.O. Box 1450  
20 Alexandria, VA 22313-1450**COMMUNICATION REGARDING ALLEGED DRAWING INFORMALITY**

25 This paper accompanies a Petition To Revive under Rule 1.137(b).

The Notice of Allowability (mailed August 11, 2005) CORRECTED DRAWINGS box was checked, although no Form PTO-948 was attached to the Notice.

In response to this request for CORRECTED DRAWINGS, the undersigned notes and directs the Examiner's attention to the fact that formal drawings were previously submitted and approved in the case. In particular, after this application was filed, the Office mailed a Notice to File Missing Parts of Application on or about July 26, 2001. That original notice also requested submission of drawing corrections. In response, a Response to Notice to File Missing Parts was submitted on January 24, 2002. The submission on January 24, 2002 included five (5) pages of formal drawings. When the first office action was later issued, the Examiner indicated that the

35 drawings were accepted (although he identified the submission date incorrectly).

Thus, the formal drawings were already of record in the case when the Notice of Allowability was mailed.

Nevertheless, for the avoidance of any doubt on the matter, but only if still necessary to address any outstanding drawing informality that actually exists in the case, please amend the application as follows:

**IN THE DRAWINGS**

To the extent they are still the drawings of record in this case, the Examiner is requested to delete the original set of drawings that were filed with this application and, in lieu thereof, please substitute the attached set of replacement pages, which number 1/5 through 5/5. These formal drawings were previously submitted, as noted above.

In comparing these drawings with the originals, the Examiner will note that there are no substantive changes in the drawing content, however, these drawings are more legible and meet the formal requirements of the Office. The differences between the set of drawings that are presently in the case and the new set are illustrated in red on a marked-up copy of each current page. Each such page is identified as an "Annotated Sheet" per 37 C.F.R. § 1.121(d)(1).

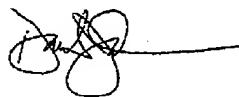
To the extent needed, entry of each "Replacement Sheet" is respectfully request to improve the readability and legibility of the drawings.

**RULE 312**

If appropriate or necessary, the Office also is requested to treat this request to amend the drawings as an amendment under 37 CFR 1.312.

The issue fee and publication fee were timely paid on November 14, 2005, and this case is otherwise ready for issuance.

Respectfully submitted,



By: \_\_\_\_\_  
David H. Judson, Reg. No. 30,467

REPLACEMENT DRAWINGS - FOR ENTRY (AS NECESSARY)